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*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Chapter 7 Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

TRUST U/ART FOURTH O/W/O ISRAEL
WILENITZ, EVELYN BEREZIN WILENITZ,
individually, and as Trustee and Beneficiary of the
Trust U/ART Fourth O/W/O Israel Wilenitz, and
SARA SEIMS, as Trustee of the Trust U/ART
Fourth O/W/O Israel Wilenitz,

Defendants.

Adv. Pro. No. 10-04995 (SMB)

STIPULATION AND ORDER FOR SUBSTITUTION OF DEFENDANT

WHEREAS, on December 2, 2010, Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et. seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, filed the above-captioned avoidance action against defendants Trust U/Art Fourth O/W/O Israel Wilenitz, Evelyn Berezin Wilenitz (“Wilenitz”), and Sara Seims; and

WHEREAS, Wilenitz died on or about December 8, 2018.¹

IT IS THEREFORE MUTUALLY AGREED AND STIPULATED, by and between the Trustee, Kathleen P. Mullinix, Executrix of the Estate of Evelyn Berezin Wilenitz (“Estate of Wilenitz”):

1. The Estate of Wilenitz and Kathleen P. Mullinix, in her capacity as Executrix of the Estate of Wilenitz (together the “Defendants”), are hereby substituted into this action in place of Wilenitz, deceased, and the Complaint shall be deemed so amended.

2. The Clerk of the Court is hereby directed to amend the caption to remove Wilenitz and substitute the Estate of Wilenitz and Kathleen P. Mullinix, in her capacity as Executrix of the Estate of Wilenitz, as reflected on Exhibit A to this Stipulation.

3. Undersigned counsel for Defendants: (i) expressly represents that she has the authority to accept service of the Complaint on behalf of Defendants, (ii) waives service of the summons and the Complaint on behalf of Defendants, and (iii) hereby waives any defenses based on insufficiency of process or insufficiency of service of process of the summons and Complaint on behalf of Defendants.

¹ Probate Proceeding, Will of Evelyn Berezin a/k/a Evelyn Berezin Wilenitz, File No. 2018-4748, in the Surrogate’s Court of the State of New York, County of New York.

4. Except as expressly set forth herein, the parties to this Stipulation reserve all rights and defenses they may have.

5. This Stipulation may be signed by the parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: February 20, 2019
New York, New York

BAKER & HOSTETLER LLP

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*Attorneys for Irving H. Picard, Trustee for
the Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff Investment
Securities LLC and the Estate of Bernard L.
Madoff*

SO ORDERED:

Dated: **February 20th, 2019**
New York, New York

CHAITMAN LLP

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Attorney for Defendants

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE

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EXHIBIT A

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TRUST U/ART FOURTH O/W/O ISRAEL
WILENITZ, ESTATE OF EVELYN BEREZIN
WILENITZ, KATHLEEN P. MULLINIX, as
Executrix of the Estate of Evelyn Berezin Wilenitz,
and SARA SEIMS, as Trustee of the Trust U/ART
Fourth O/W/O Israel Wilenitz,

Defendants.

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